

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re: EPHEDRA PRODUCTS LIABILITY : 04 M.D. 1598 (JSR)  
LITIGATION :  
:  
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PERTAINS TO ALL CASES

STATUS ORDER (INCLUDING CASE MANAGEMENT ORDER NO.46)

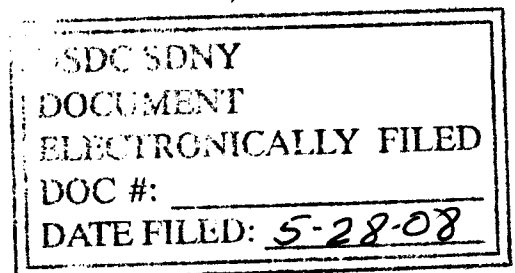
JED S. RAKOFF, U.S.D.J.

At the monthly status conference held on May 8, 2008, the Court made the following rulings, which are hereby confirmed (and in some instances modified and supplemented) as follows:

1. The next status conference will be held as previously announced at 4:30 pm on Thursday, June 5, 2008.

2. A motion by plaintiff Sonja Lambert to dismiss with prejudice all claims of plaintiff David Lambert in *Sonja Lambert et al. v. Rexall Sundown*, No. 07 Civ. 3789, was granted as unopposed.

3. By separate order, the Court dismissed all claims against some but not all defendants in *Gyani v. MII Liquidations et al., Inc.*, No. 05 Civ. 2367. To the extent that any federal stay is in effect against prosecuting the remaining claims, such stay is hereby vacated, and the case is remanded to Supreme Court of the State of New York, County of Nassau (Index No. 016302/04).



4. A motion by MII Liquidation Inc. *et al.* to dismiss with prejudice the 254 cases listed in Exhibit A to this Case Management Order was granted as unopposed. These cases were settled in the Metabolife bankruptcy, and the settlement proceeds are being or have been distributed pursuant to the MII Mediation Trust Agreement.

5. A motion by David Higgins, Trustee, for Court approval of the First Amendment to NVE Ephedra Claimants Trust Agreement is granted as unopposed.

6. The Court approved a request by Defendants' Coordinating Counsel (the "DCC") to allocate among defendants the fees and expenses of Defendants' Liaison Counsel and defendants' share of the Special Master's fees for the period April 1 through June 30, 2008, as follows: BDI Pharmaceuticals, 30%; CVS Pharmacy Inc., CVS Pharmacy Store #3639 and Eckerd Corp., collectively 35%; Vitaquest, GSN and NFI, collectively 35%.

7. At the request of the DCC and with the consent of Plaintiffs' Coordinating Counsel (the "PCC"), defendants' share of the Special Master's fees for the period April 1 through June 30, 2008, was modified so that defendants shall pay 10%. The remaining 90% shall be paid by the Ephedra Plaintiffs' Common Expense Fund.

8. The Court granted an unopposed motion by the PCC for payment of \$222,192.38 from the Ephedra Plaintiffs' Common

Expense Fund for the 2008 fees and expenses of the PCC subcommittee appointed to gather and audit all fees and expense requests of the 18 firms who worked for the common benefit of all plaintiffs. A separate payment order shall issue.

SO ORDERED.



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JED S. RAKOFF, U.S.D.J.

Dated: New York, New York  
May 27, 2008

**EXHIBIT A**

1. Ciceley Alexander v. Metabolife International, Inc., No. 05 Civ. 3026
2. Tony Anderson, et al. v. Metabolife, No. 05 Civ. 9061
3. Channin Atwood v. Metabolife Corp., No. 05 Civ. 5986
4. Joseph Baity v. Metabolife, No. 05 Civ. 6333
5. Teresa Ball, et al. v. Muscletech, No. 05 Civ. 3889
6. Teresa Marie Belew v. Metabolife, No. 05 Civ. 1020
7. Bessie Bell, et al. v. Metabolife, No. 05 Civ. 1003
8. Steven Berry v. Metabolife International, No. 06 Civ. 4483
9. Collette Bierig v. Metabolife International, No. 06 Civ. 4484
10. Robert Bishop v. Metabolife, No. 05 Civ. 5135
11. Mary Blevins v. Metabolife International, No. 05 Civ. 4716
12. James Bogart v. Metabolife International, No. 05 Civ. 2478
13. Marvin Bolds v. MII Liquidation, No. 06 Civ. 4485
14. Robert Bonnette v. MII Liquidation, No. 06 Civ. 4488
15. Franklin Booth v. Alpine Health Products, LLC, No. 06 Civ. 4521
16. Barbara Bower v. Metabolife International, No. 06 Civ. 1455
17. Joel Brandt v. Metabolife Corp., et al., No. 05 Civ. 5978
18. Brandon Braner, et al. v. Metabolife International, No. 06 Civ. 4470
19. Jacqueline Brock, et al. v. Metabolife International, No. 06 Civ. 1460
20. Connie Brown v. Metabolife International, No. 06 Civ. 6590
21. Connie Brown v. MII International Inc., No. 06 Civ. 4556
22. David Brown v. MII Liquidation, No. 06 Civ. 4489

23. Debra Brown, et al. v. Metabolife International, No. 05 Civ. 9053
24. Samantha Brown v. MII Liquidation, No. 06 Civ. 4486
25. Alicia Brucato v. Metabolife Corp., et al., No. 05 Civ. 5976
26. Laurence Budwig, et al. v. Metabolife International, Inc., No. 05 Civ. 5968
27. Donna Bunker, et al. v. Metabolife International, No. 05 Civ. 4715
28. Marcia Bunting v. Metabolife International, No. 04 Civ. 9708
29. Marcia Bunting v. Metabolife International, Inc., No. 06 Civ. 4530
30. Gerald Richard Bupte v. Metabolife International, No. 06 Civ. 4482
31. William Burton, et al. v. Metabolife International, No. 04 Civ. 6815
32. Daniel Byrne, et al. v. Metabolife, No. 05 Civ. 6681
33. Denise Cadet v. Metabolife International, Inc., No. 04 Civ. 4222
34. Hope Cagle v. Metabolife International, No. 05 Civ. 2994
35. Hope Cagle v. Wal-Mart Stores, Inc., No. 06 Civ. 1368
36. John Robert Cain, et al. v. Wal-Mart Stores, et al., No. 06 Civ. 6621
37. Roger Carsey v. Metabolife, No. 05 Civ. 3906
38. Roger Carsey v. Alpine Health Products, No. 06 Civ. 4532
39. Patty Carss, et al. v. MII Liquidation, No. 06 Civ. 4492
40. Michael Carter, et al. v. Metabolife International, Inc., No. 04 Civ. 4284
41. Lydia Casillas, et al. v. MII Liquidation, No. 06 Civ. 4491
42. Betty Castagne v. Metabolife International, Inc., No. 05 Civ. 3016
43. Dennis Chaney v. Metabolife International, No. 06 Civ. 1457
44. Max Clark, et al. v. Metabolife, No. 05 Civ. 9650
45. Angie Corrasco v. MII Liquidation, No. 06 Civ. 6650

46. Aubrey Gerald Crawford v. Metabolife International, No. 05 Civ. 4058
47. Dorothy Eileen Crisp v. Metabolife International, No. 04 Civ. 7639
48. Cynthia Cruz v. Metabolife International, Inc., No. 06 Civ. 4524
49. Shelia Davis v. Metabolife International, Inc., No. 06 Civ. 4518
50. Shelia Davis v. GN Oldco Corp., No. 06 Civ. 1687
51. Jack Dean v. MII Liquidation, No. 06 Civ. 4494
52. Michelle Deaver, et al. v. MII Liquidation, No. 06 Civ. 4493
53. Nicole Delva v. Metabolife International, Inc., No. 05 Civ. 5981
54. Xiuhui Deng v. Metabolife International, Inc., No. 05 Civ. 3027
55. Kim Doll v. MII Liquidation, No. 06 Civ. 4505
56. Stella Marie Drewing v. Metabolife International, Inc., No. 04 Civ. 4274
57. Barbara Dunham, et al. v. Metabolife International, No. 04 Civ. 6821
58. Mark Durbin v. Metabolife, No. 05 Civ. 6686
59. Travis Durham v. Metabolife International, No. 06 Civ. 4471
60. Deborah Ehling v. Metabolife International, Inc., No. 05 Civ. 5984
61. Susie Estes v. Metabolife International, Inc., No. 05 Civ. 5972
62. M. Timothy Evers v. Metabolife, No. 05 Civ. 0157
63. Richard Ewing v. Metabolife International Inc., No. 06 Civ. 4550
64. Janice Farmer v. Metabolife International, No. 04 Civ. 8206
65. Horace Ferrell, et al. v. Metabolife International, Inc., No. 04 Civ. 4231
66. Gerald Fisk v. Metabolife International, Inc., No. 07 Civ. 3895
67. Lauren Floro v. Metabolife, No. 05 Civ. 3896
68. Susan Foley v. Metabolife, No. 05 Civ. 9055

69. Shirley Foretich, et al. v. Metabolife International, No. 05 Civ. 4713
70. Edward Foster, et al. v. Metabolife International, No. 06 Civ. 1466
71. Kathy Foster v. Metabolife, No. 05 Civ. 1023
72. Judy Franklin v. Metabolife International, No. 06 Civ. 4474
73. Deborah Freeman, et al. v. Metabolife, No. 05 Civ. 3905
74. Deborah Freeman v. Alpine Health Products, LLC, No. 06 Civ. 4538
75. Dee Dee Friddle, et al. v. Metabolife International, No. 06 Civ. 1451
76. Sherry Fuss, et al. v. Metabolife International, No. 06 Civ. 4467
77. Isabel Garza v. MII Liquidation, No. 06 Civ. 4544
78. Charlene Gaston v. Metabolife International, Inc., No. 04 Civ. 3565
79. Richard Geist v. Metabolife International, Inc., No. 04 Civ. 4243
80. Nona Gentry v. Metabolife International, No. 06 Civ. 4477
81. Michael Glinn v. Metabolife International, No. 05 Civ. 3000
82. Brenda Graves, et al. v. Metabolife, No. 05 Civ. 3881
83. Monica Green, et al. v. MII Liquidation, No. 06 Civ. 6596
84. William Green v. Metabolife International, No. 05 Civ. 8402
85. Jean Hargis v. Metabolife International Inc., No. 06 Civ. 4510
86. Billy Gene Harrison v. Metabolife International Inc., No. 06 Civ. 4558
87. John Paul Hawkins v. Metabolife International, No. 06 Civ. 1467
88. John Paul Hawkins v. Metabolife International, Inc., No. 06 Civ. 6592
89. Joyce Hayes v. Metabolife, No. 05 Civ. 1014
90. Patricia Hollerbach v. Metabolife Int'l, No. 04 Civ. 9709
91. Debbie K. Holmer v. Metabolife International, No. 05 Civ. 2477

92. Barbara Hudson v. Metabolife, No. 05 Civ. 0143
93. Norma Hughes v. Metabolife International Inc., No. 06 Civ. 4555
94. Robert Hutchinson v. Metabolife International, No. 06 Civ. 4478
95. Patricia Hutson v. Metabolife International Inc., No. 06 Civ. 4560
96. Justin Hutton v. Metabolife International Inc., No. 06 Civ. 4519
97. Chris Ivanoff v. The Chemins Company, Inc., No. 06 Civ. 4506
98. Sheila Jackson v. Metabolife International, Inc., No. 04 Civ. 4277
99. Shelly Jackson, et al. v. Metabolife International, No. 06 Civ. 4472
100. Opal Jenkins v. Metabolife International, No. 06 Civ. 1464
101. Carolyn Jones v. Metabolife International, Inc., No. 05 Civ. 4709
102. Carolyn Jones v. Alpine Health Products, LLC, No. 06 Civ. 4535
103. Kim Kaempfe v. Chemins, No. 07 Civ. 9248
104. Richard Kasko v. Metabolife International, Inc., No. 04 Civ. 4261
105. Diane Keister v. MII Liquidation, No. 06 Civ. 6644
106. Diane Keister v. Metabolife International, Inc., No. 06 Civ. 6656
107. Stella Kelley v. MII Liquidations, No. 06 Civ. 4557
108. Theresa Kelley v. Metabolife International Inc., No. 06 Civ. 4528
109. Beverly King v. Metabolife International, Inc., No. 05 Civ. 5966
110. Debra Kline, et al. v. Metabolife International, Inc., No. 03 Civ. 3351
111. Terry Kress v. Metabolife, No. 05 Civ. 3882
112. Lydia Kuchefski v. MII Liquidation, No. 06 Civ. 6595
113. Donald Kujat v. Metabolife International, No. 06 Civ. 4479
114. Robert Kundrat v. Metabolife International, Inc., No. 04 Civ. 4249



115. Donald Kundrat, et al. v. Alpine Health Products, No. 06 Civ. 4534
116. Tracey Larosa v. Walmart, No. 05 Civ. 1004
117. Joshua Lang v. Metabolife International, No. 05 Civ. 2472
118. Germalita Lee, et al. v. MII Liquidation, No. 06 Civ. 6597
119. Francine Lewicki v. Metabolife, No. 05 Civ. 3883
120. Bruce Lewis v. Metabolife, No. 05 Civ. 1022
121. Leatrice Lewis v. Metabolife International, No. 06 Civ. 1474
122. Linda Lou Linnell v. MII Liquidation, No. 06 Civ. 6598
123. Linda Llewellyn, et al. v. Metabolife International, No. 06 Civ. 1449
124. Leo Longoria v. Metabolife International, No. 04 Civ. 8317
125. Martha Lopez v. MII Liquidation, No. 06 Civ. 6637
126. Otto Loser, et al. v. MII Liquidation, No. 06 Civ. 6608
127. Karen Lott v. Metabolife International, No. 04 Civ. 6834
128. Juan Antonio Lozano v. Metabolife International, Inc., No. 04 Civ. 4282
129. Lujan v. Metabolife International, No. 06 Civ. 1468
130. Sharon Maddox v. Metabolife International, Inc., No. 05 Civ. 3014
131. Sharon Maddox v. Wal-Mart Stores, Inc., No. 06 Civ. 1371
132. Joann Maloney, et al. v. Metabolife International, No. 06 Civ. 1454
133. Dorothy Manuel v. Metabolife International Inc., No. 06 Civ. 4561
134. King Markowski v. Metabolife, No. 05 Civ. 9060
135. Michelle Martin v. Metabolife, No. 05 Civ. 9056
136. Gerald Martino v. Metabolife, No. 05 Civ. 6688
137. Charlene Marty v. Metabolife, No. 05 Civ. 6836

138. Pamela Mason v. MII Liquidation, No. 06 Civ. 6635
139. Linda Mauldin v. Metabolife International, No. 04 Civ. 6827
140. Melissa Maxwell v. MII Liquidation, No. 06 Civ. 6607
141. Ellen Mayfield v. Metabolife, No. 05 Civ. 0142
142. Cheryl McClure v. Metabolife International, No. 04 Civ. 9357
143. Scott McCollom, et al. v. Metabolife International, No. 05 Civ. 4702
144. Randall McDowell v. Metabolife International Inc., No. 06 Civ. 4562
145. Peggy McGuire v. Metabolife, No. 04 Civ. 5476
146. Ana Mejia v. MII Liquidation, No. 06 Civ. 6613
147. Benita Miller v. Metabolife International, No. 06 Civ. 4469
148. Michelle Miller, et al. v. Metabolife International, No. 06 Civ. 4515
149. Kristen Mireles v. MII Liquidation, No. 06 Civ. 6600
150. Rebecca Dale Missino v. Metabolife International, Inc., No. 05 Civ. 5975
151. Chad Morgan v. Metabolife International, Inc., No. 05 Civ. 3015
152. Dora Morris, et al. v. Metabolife International, Inc., No. 06 Civ. 1453
153. Darla K. Morrissey, et al. v. Metabolife, No. 05 Civ. 3892
154. Bobby Allen Moser, et al. v. Metabolife International, No. 06 Civ. 4465
155. Roy Douglas Murray, et al. v. Metabolife International, No. 04 Civ. 6817
156. Susanne Nash, et al. v. MII Liquidations, No. 06 Civ. 4509
157. Susanne Nash, et al. v. Metabolife International, No. 05 Civ. 4701
158. Patricia Naugle v. Metabolife International, No. 06 Civ. 1450
159. Marshall Neel, et al. v. MII Liquidation, No. 06 Civ. 6616
160. Hollis Neely, et al. v. Metabolife International, No. 06 Civ. 4468

161. Hollis Neely, et al. v. MII Liquidation, No. 06 Civ. 4533
162. Michelle Nelsen v. Wal Mart Stores, Inc., No. 05 Civ. 3023
163. Edmond Joseph Neville v. Metabolife International Alpine, No. 06 Civ. 4569
164. Nhai Nguyen v. Metabolife International Inc., No. 06 Civ. 4525
165. Sylvia Norman, et al. v. Metabolife, No. 05 Civ. 6687
166. Nancy Novosel v. Metabolife International, No. 05 Civ. 4700
167. Amber Ramirez (Olvera) v. Metabolife, No. 05 Civ. 0155
168. Claudia Ibarra Ortegon v. Metabolife International, Inc., No. 04 Civ. 4281
169. Katonya Outlaw v. MII Liquidation, Inc., et al., No. 06 Civ. 6630
170. Johnny Parks, et al. v. Metabolife International, No. 05 Civ. 4703
171. Sandra Paterson v. Wal-Mart Stores, Inc., No. 07 Civ. 9247
172. Henry Patterson v. Metabolife, No. 05 Civ. 3901
173. Duane Paul v. MII Liquidation, No. 06 Civ. 6599
174. Millicent Perkins v. MII Liquidation, No. 06 Civ. 6640
175. Thomas Michael Pettis, et al. v. Metabolife International, No. 04 Civ. 7625
176. Diane Pitts v. MII Liquidations, No. 06 Civ. 6651
177. Gerald Portillo, et al. v. MII Liquidation, Inc., No. 04 Civ. 4239
178. Audrey Quaile v. Metabolife, No. 05 Civ. 1009
179. Ronald Raines v. Metabolife International, No. 06 Civ. 4466
180. Abraham Ramirez, et al. v. Metabolife International Inc., No. 06 Civ. 4541
181. Fred Rather, et al. v. Metabolife International, No. 04 Civ. 8306
182. Fred Rather, et al. v. Alpine Health Products, LLC, No. 06 Civ. 4523
183. Kellie Reinell v. Metabolife International Inc., No. 06 Civ. 4566

184. Cynthia Reynolds, et al. v. Metabolife, No. 05 Civ. 3897
185. Cesaire Rhodes v. Metabolife International Inc., No. 06 Civ. 4565
186. Charles Richards v. Metabolife International Inc., No. 06 Civ. 4559
187. Brandon (Stella) Richardson v. Metabolife International, No. 04 Civ. 6844
188. Rhealene Robertson, et al. v. Metabolife International, No. 05 Civ. 3013
189. Rhealene Robertson, et al. v. Wal-Mart Stores, Inc., No. 06 Civ. 1370
190. Michelle Ronyak v. Metabolife International Inc., No. 06 Civ. 4531
191. Mearlean Ross v. Metabolife, No. 05 Civ. 0146
192. Duane Rowe v. Metabolife International, Inc., No. 04 Civ. 4253
193. Melissa Rubio v. Metabolife International, Inc., No. 05 Civ. 5967
194. Ken Rutherford, et al. v. Metabolife, No. 05 Civ. 0150
195. Timothy Sarvis v. Metabolife International, Inc., 07 Civ. 4625
196. Marol Scheffert v. Metabolife, No. 05 Civ. 6831
197. Mark Schmidt, et al. v. Metabolife International, Inc., No. 04 Civ. 4220
198. Rebecca Schrader v. Metabolife International, Inc., No. 04 Civ. 4270
199. Kevin Scrivener v. Metabolife, No. 05 Civ. 6837
200. David Sells, et al. v. TL Administration, No. 04 Civ. 6103
201. Michelle Sheard v. MII Liquidation, No. 06 Civ. 6648
202. Cynthia Sides, et al. v. MII Liquidation, No. 06 Civ. 6647
203. Rosie Skinner v. Metabolife, No. 05 Civ. 0156
204. Dawn Smith v. Metabolife, No. 05 Civ. 6334
205. Waunita Smith v. Metabolife International, No. 06 Civ. 4512
206. Carol Smith v. Metabolife International, No. 06 Civ. 1463

- 207. Lisa Snyder v. Metabolife, No. 05 Civ. 0139
- 208. Artis Starks v. MII Liquidation, No. 06 Civ. 4568
- 209. Scott Strother v. Metabolife International, No. 06 Civ. 4480
- 210. Scott Strother v. Metabolife International, Inc., No. 06 Civ. 4537
- 211. Ana Gabraiella Suarez v. Metabolife International, No. 04 Civ. 6841
- 212. Christopher Scott Surratt v. Metabolife, No. 05 Civ. 1017
- 213. Irene Talavera v. Metabolife International, No. 04 Civ. 6820
- 214. Linda Taylor v. MII Liquidation, No. 06 Civ. 6624
- 215. Flossie Thibodaux v. Metabolife International, Inc., No. 04 Civ. 4250
- 216. James Thomas v. Metabolife International, No. 04 Civ. 7628
- 217. June Thomas v. Metabolife International, No. 04 Civ. 7501
- 218. Linda Thompson v. Metabolife International, Inc., No. 05 Civ. 6829
- 219. Linda Thompson v. MII Liquidation, No. 06 Civ. 6649
- 220. Mark Thuernau v. Metabolife International, No. 04 Civ. 7634
- 221. Thomas Tims v. Metabolife International Inc., No. 06 Civ. 4526
- 222. James Tiskevich v. Metabolife, International, No. 04 Civ. 6772
- 223. Barbara Todd v. Metabolife, No. 05 Civ. 3899
- 224. Gary Townsend v. Metabolife International, Inc., No. 04 Civ. 2896
- 225. Alison Troutman v. Metabolife International, No. 04 Civ. 7629
- 226. Kathleen Tutka, et al. v. Metabolife International, No. 04 Civ. 6816
- 227. Gregory Van Buren, et al. v. Metabolife International, No. 04 Civ. 8209
- 228. Gregory Van Buren, et al. v. Alpine Health Products, No. 06 Civ. 4522
- 229. Sergio Vasquez v. Metabolife, No. 05 Civ. 1019

- 230. Peter Vertigans v. MII Liquidation, No. 06 Civ. 6642
- 231. Damon Violette, et al. v. Metabolife International, Inc., No. 04 Civ. 4251
- 232. James Vnecak v. Metabolife International, No. 04 Civ. 6829
- 233. Donald Wallen v. Metabolife, No. 05 Civ. 6832
- 234. Willie Marie Waltman, et al. v. Metabolife International, No. 04 Civ. 6818
- 235. Michael Waltman v. Metabolife International, No. 05 Civ. 4705
- 236. Micki Warnecker v. Metabolife, No. 05 Civ. 9058
- 237. Edward Watkins v. Metabolife, No. 05 Civ. 1010
- 238. Edward Watkins v. Wal-Mart Stores, Inc., No. 06 Civ. 1367
- 239. Kathleen Watkins v. MII Liquidation, No. 06 Civ. 6623
- 240. Charles Watson v. MII Liquidation, Inc., No. 04 Civ. 4278
- 241. William Watson v. Metabolife International, No. 05 Civ. 4693
- 242. Beverly Webb, et al. v. MII Liquidation, No. 06 Civ. 6633
- 243. Cynthia Weeks, et al. v. Metabolife International, Inc., No. 04 Civ. 4221
- 244. Linda Katie Wellman v. Metabolife International, Inc., No. 04 Civ. 4273
- 245. Willard Westfall v. Metabolife International, Inc., No. 04 Civ. 4255
- 246. Derrell Whitfield, Sr., et al. v. Metabolife International, Inc., No. 05 Civ. 3017
- 247. Derrell Whitfield Sr., et al. v. MII Liquidation, No. 06 Civ. 6615
- 248. Saylor Wilfong v. Metabolife, No. 05 Civ. 0160
- 249. Sharon Williams, et al. v. Metabolife International, No. 04 Civ. 7638
- 250. Constance Wittneben v. MII Liquidation, No. 06 Civ. 6628
- 251. Collen Wolter v. MII Liquidation, No. 06 Civ. 6634
- 252. Jerry Wood v. Metabolife International, Inc., No. 04 Civ. 4245

- 253. Paul Wright v. Metabolife, No. 04 Civ. 4035
- 254. Teri Wyrick, et al. v. MII Liquidation, No. 06 Civ. 6639